

OCT 07 2002

**REQUEST FOR  
CONTINUED EXAMINATION (RCE)**

Subsection (b) of 35 U.S.C. §132, effective on May 29, 2000, provides for continued examination of a utility or plant application filed on or after June 8, 1995. See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/447,023
Filing Date	November 22, 1999
First Named Inventor	Martin F. Berry et al.
Group Art Unit	1761
Examiner Name	Helen Pratt
Attorney Docket Number	00414-046001

**This is a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 of the above-identified application.**

**NOTE:** 37 C.F.R. §1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. §1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. **Submission required under 37 C.F.R. §1.114**a. ☐ Previously submitted

- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. §1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered)
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_

b. ☒ Enclosed

- i. ☒ Amendment/Reply
- ii. ☒ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. §1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; fee under 37 C.F.R. §1.17(i) required)
- b. ☐ Other \_\_\_\_\_

3. **Fee** The RCE fee under 37 C.F.R. §1.17(e) is required by 37 C.F.R. §1.114 when the RCE is filed.

- a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 06-1050
- i. ☐ RCE fee required under 37 C.F.R. §1.17(e)
- ii. ☐ Extension of time fee (37 C.F.R. §§1.136 and 1.17)
- iii. ☒ Other Any deficiencies
- b. ☒ Check in the amount of \$ 740 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

10/08/2002 HUONG1 00000012 09447023

01 FC:179

740.00 OP

RECEIVED

OCT 10 2002

TC 1700

**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED**

Name (Print/Type)	John J. Gagel	Registration No. (Attorney/Agent)	33,499
Signature	<i>John J. Gagel</i>	Date	September 30, 2002

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to **Commissioner for Patents, Box RCE, Washington, DC 20231** or facsimile transmitted to the U.S. Patent and Trademark Office on: September 30, 2002

Name (Print/Type)	Sherry L. Hunt	Date	September 30, 2002
Signature	<i>Sherry L. Hunt</i>		



Attorney's Docket No.: 00414-046001

# 23/  
2F  
10/16/2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Martin F. Berry et al.

Art Unit : 1761

Serial No. : 09/447,023

Examiner : Helen Pratt

Filed : November 22, 1999

Title : CRANBERRY PROCESSES AND PRODUCTS

**BOX AF**

Commissioner for Patents

Washington, D.C. 20231

**RECEIVED**

OCT 10 2002

**TC 1700**

RESPONSE

In response to the action mailed April 29, 2002, please amend the application as follows:

In the claims:

Please cancel claims 87 and 98 without prejudice.

Please amend claims 70, 97, 99, 100, and 102-108 as follows:

71 --70. A cranberry food product comprising a blended juice, including:  
a cranberry juice component that has a juice anthocyanin content of about 10  
mg/100ml or less and  
a component selected from another juice component, water, sweetener or acid,  
wherein the juice component derived from cranberries having said anthocyanin  
content is the sole component from cranberries in the blend.

D2 97. A cranberry food product comprising a blended juice, including:  
a cranberry juice component that has a juice anthocyanin content of about 10  
mg/100 ml or less,  
another juice component, and

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

September 30, 2002

Date of Deposit

Signature

Sherry L. Hunt

Typed or Printed Name of Person Signing Certificate